

Appl. No. 10/700,614
Atty. Docket No. 94221L
Amdt. dated 06/30/2006
Reply to Office Action of 03/30/2006
Customer No. 27752

REMARKS

I. Introduction.

Claims 1-10, 13 and 14 are pending. Of these claims, Claims 1-7, 9, 10, and 13 were rejected. Claim 13 was rejected under 35 U.S.C. Section 112, second paragraph. Various groups of claims within the group of Claims 1-3, 5-7, 9, 11, and 12-14 were subjected to rejections under 35 U.S.C. Section 102(b). Claim 10 was rejected under 35 U.S.C. Section 103(a). Claims 8 and 14 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form.

The Applicants note that both the Office Action Summary and the Interview Summary indicate that the Office Action is intended to be non-final. However, paragraph 17 of the Office Action states that the Office Action is final. Applicants' attorney confirmed with the Examiner that the Office Action was intended to be non-final, and that the statement in paragraph 17 of the same is in error. The Applicants are, therefore, responding as if the Office Action is non-final.

II. The 35 U.S.C. Section 112 Rejection.

Claim 13 was rejected under 35 U.S.C. Section 112, second paragraph because of the presence of the recitations "at least two non-rotatable burnishes" and "two burnishes".

The Applicants have amended Claim 13 to delete the words "at least" in line 2 of the same. The Applicants expressly do not concede, however, that the grounds for rejection were proper.

The Examiner should also note that Applicants have rewritten Claim 14 in independent form, rather than amending Claim 13 to include the subject matter of Claim 14 as contemplated in the Interview Summary.

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III. The 35 U.S.C. Section 102 Rejections.

Various groups of claims within the group of Claims 1-3, 5-7, 9, 11, and 12-14 were subjected to rejections under 35 U.S.C. Section 102(b).

A. Claims 1-3, 5-7, 9, 11, and 12-14.

In this section of the Office Action, the Office Action states that Claims 1-3, 5-7, 9, 11, and 12-14 were rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 3,907,628 issued to Buske.

The Applicants believe that the Office Action did not intend to include Claim 14 in this rejection since Claim 14 is described as being allowable in other portions of the Office Action. Confirmation is respectfully requested.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Buske reference does not teach or disclose an applicator for applying a sheet material to a substrate, said applicator comprising a holder disposed on a frame and at least two burnishes joined to said frame, wherein at least a portion of said frame is movable relative to the holder.

B. Claims 1-3 in View of Barbe, et al.

Claims 1-3 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 4,711,682 issued to Barbe, et al.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Barbe, et al. reference does not teach or disclose an applicator for applying a sheet material to a substrate, said applicator comprising a holder disposed on a frame and at least two burnishes joined to said frame, wherein at least a portion of said frame is movable relative to the holder.

C. Claims 1-4 in View of Greene, et al.

Claims 1-4 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 5,467,497 issued to Greene, et al.

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The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Greene, et al. reference does not teach or disclose an applicator for applying a sheet material to a substrate, said applicator comprising a holder disposed on a frame and at least two burnishes joined to said frame, wherein at least a portion of said frame is movable relative to the holder.

D. Claims 1-4 in View of Forselius, et al.

Claims 1-4 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 4,711,682 issued to Forselius, et al.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Forselius, et al. reference does not teach or disclose an applicator for applying a sheet material to a substrate, said applicator comprising a holder disposed on a frame and at least two burnishes joined to said frame, wherein at least a portion of said frame is movable relative to the holder.

E. Claims 1-4 in View of Tonsager.

Claims 1-4 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 5,442,832 issued to Tonsager.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Tonsager reference does not teach or disclose an applicator for applying a sheet material to a substrate, said applicator comprising a holder disposed on a frame and at least two burnishes joined to said frame, wherein at least a portion of said frame is movable relative to the holder.

F. Claim 13 in View of Redmond.

Claim 13 was rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 4,545,090 issued to Redmond.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Redmond reference does not teach or disclose an applicator for applying

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a sheet material to a substrate, said applicator comprising a holder disposed on a frame and at least two burnishes joined to said frame, wherein at least a portion of said frame is movable relative to the holder.

IV. The 35 U.S.C. Section 103 Rejection.

Claim 10 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 3,907,628 issued to Buske as applied to Claim 9, and further in view of U.S. Patent 4,026,648 issued to Takahashi.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The combination of references does not teach or disclose, and thus does not render obvious, an applicator for applying a sheet material to a substrate, said applicator comprising a holder disposed on a frame and at least two burnishes joined to said frame, wherein at least a portion of said frame is movable relative to the holder.

V. Allowable Subject Matter.

Claims 8 and 14 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form.

Claims 8 and 14 have been rewritten as requested, and should now be in condition for allowance.

VI. Summary.

All of the rejections have been addressed. A Notice of Allowance is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 
Signature

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